

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

MAY - 7 2020

for the
Western District of TexasCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY

United States of America)

v.)

Kimberly LOYA)

Case No. 5:20-mj-644*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 2018 until May 2020 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|---------------------------------------|---|
| 21 U.S.C. Section 841 (a)(1) | Possession with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine |
| 21 U.S.C. Section 841 (b)(1)(A)(viii) | Conspiracy to possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine |
| 21 U.S.C. Section 846 | |
| 18 U.S.C. Section 1956 | Laundering of monetary instruments |

This criminal complaint is based on these facts:


See Attached Affidavit

☒ Continued on the attached sheet.*Complainant's signature*

Luis De La Cruz, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/06/2020*Judge's signature*City and state: San Antonio, Texas

Fred Biery, U.S. District Judge

Printed name and title

I, Luis De La Cruz, Special Agent, Drug Enforcement Administration, San Antonio, Texas, being duly sworn, depose and state as follows:

I am an "investigative or law enforcement officer" of the United States within the meaning of Title 18, United States Code (USC), Section 2510 (7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

I am currently a Special Agent with the Drug Enforcement Administration (DEA), United States Department of Justice. I have been employed by the Drug Enforcement Administration for approximately fourteen (14) years. I am presently assigned to the San Antonio District Office of the DEA, and specifically the High Intensity Drug Task Force (HIDTA). My present duties include the investigation of violations of the federal narcotics and money laundering laws by large-scale criminal organizations within the Western District of Texas.

The WDTX began investigating Israel FERNANDEZ-Vasquez in late 2018, when CS-18-158941¹ (hereinafter "CS") stated FERNANDEZ-Vasquez is a leader of a sophisticated drug trafficking operation based in Mexico, whose efficacy is built upon a complex network of contacts comprised of coordinators, distributors, and clients still operating in the San Antonio, Texas, area, since FERNANDEZ-Vasquez's deportation in May 2018.

The FERNANDEZ-Vasquez DTO has been known to law enforcement since October 2018 as an active drug trafficking organization. At that time, the CS provided critical intelligence to investigators regarding the drug trafficking activities of the FERNANDEZ-Vasquez organization based in Monterrey, Nuevo Leon, Mexico. Intelligence provided by the CS indicated that FERNANDEZ-Vasquez was a long-standing Mexican narcotics trafficker overseeing the transportation and distribution of large quantities of cocaine, heroin, and methamphetamine into the US, specifically into the San Antonio metropolitan area. The CS stated that he/she had been incarcerated with FERNANDEZ-Vasquez prior to the deportation of FERNANDEZ Vasquez to Mexico in May 2018. The CS further stated that FERNANDEZ-Vasquez was living in the states of Nuevo Leon and Tamaulipas, Mexico and that he was a member of the Cartel de Noreste (CDN). Based on information provided and confirmed by DEA Laredo, investigators determined that FERNANDEZ-Vasquez and his brothers continue to utilize the San Antonio area as a primary domestic point of operation. Based on the extensive information provided by the CS and DEA Laredo, investigators began and in-depth investigation into the FERNANDEZ Vasquez organization.

The CS has been in contact with FERNANDEZ-Vasquez since October 2018. The CS was able to contact FERNANDEZ-Vasquez and negotiate the purchase of one (1) pound of methamphetamine from an associate of FERNANDEZ-Vasquez based in the area of San Antonio, Texas, later identified as Roland GUSTAMANTE. The CS was shown a photographic lineup and he/she positively identified GUSTAMANTE as the person he/she knows as ROLO.

¹ The CS met FERNANDEZ-Vasquez while in prison. CS stated that FERNANDEZ-Vasquez was deported after completing his sentence and is now living in Monterrey, Nuevo Leon, Mexico. CS explained that FERNANDEZ-Vasquez was a member of the Los Zetas Cartel when he was arrested, does not know what group he is working for now.

On April 17, 2020, agents interviewed a cooperating defendant, from here on referred to as (CD#1) regarding Roland GUSTAMANTE and his associates. CD#1 stated that GUSTAMANTE was in charge of supplying CD#1 with illegal narcotics from Mexico and coordinated the smuggling/transportation of illegal narcotics from Mexico into the United States. CD#1 stated that GUSTAMANTE had a residence in Monterrey, Mexico that he would utilize while conducting business in Mexico. Agents asked how the illegal narcotics would get smuggled/transported from Mexico to San Antonio. CD#1 stated the illegal narcotics loads would come in pickup trucks driven by various individuals within the GUSTAMANTE DTO. CD#1 stated the narcotics would be concealed in the tires, transmissions, and oil pans. Agents then asked if the illegal narcotic loads would come directly to CD#1 or if he/she had to pick them up. CD#1 informed agents that in the beginning, the narcotics would cross from Mexico into Laredo, Texas, and then he/she would send some of his/her associates from San Antonio, Texas to Laredo, Texas, to pick up the illegal narcotics load. CD#1 stated he/she would use random people to make these trips, and he would pay those individuals one thousand (\$1,000.00) dollars per trip. CD#1 stated once the narcotics load arrived in San Antonio, Texas, he/she would direct the vehicle to Roland GUSTAMANTE's sister, Alexandra GUSTAMANTE's residence in San Antonio, Texas, where the illegal narcotics would be off-loaded inside the garage and then taken to the stash house used by CD#1. CD#1 further stated that they used Alexandra GUSTAMANTE's residence on multiple occasions to unload the illegal narcotics, which was coordinated with Alexandra GUSTAMANTE.

CD#1 stated that GUSTAMANTE's wife, who CD#1 identified as Kimberly LOYA on a photo lineup was used by the GUSTAMANTE DTO as the person who was in charge of collecting/transporting/smuggling the bulk currency into Mexico to pay for the illegal narcotics loads being distributed by the GUSTAMANTE DTO in San Antonio, Texas. CD#1 further stated that Kimberly LOYA would drive a white in color Mitsubishi to collect/transport/smuggle the narcotics proceeds from San Antonio to Mexico. The white Mitsubishi is registered to Jennifer Loya, Kimberly LOYA's sister. However, Kimberley LOYA and GUSTAMANTE are the primary users of the white Mitsubishi. According to border crossing history of the white Mitsubishi from May 2019 to January 2020, the white Mitsubishi has travelled into Mexico approximately twenty-one (21) times. Out of the twenty-one (21) trips, Kimberly LOYA has been an occupant of the white Mitsubishi in all twenty-one (21) trips. On June 18, 2019, CD#1 was also an occupant on the white Mitsubishi. According to CD#1, the reason he/she went to Mexico was to meet with GUSTAMANTE's sources of supply identified as Ismael FERNADEZ-Vasquez and Israel FERNADEZ-Vasquez. CD#1 again stated that Kimberly LOYA routinely smuggled bulk currency for all the illegal narcotics distributed by the GUSTAMANTE DTO in San Antonio, Texas in the white Mitsubishi. CD#1 also stated that LOYA would sometimes pick up different amount of illegal narcotics throughout San Antonio, Texas, and deliver them to different associates of GUSTAMANTE in San Antonio, Texas, in the white Mitsubishi. CD#1 stated that LOYA would do all this under GUSTAMANTE's instructions.

Also on April 17, 2020, agents interviewed CD#2 regarding the Roland GUSTAMANTE DTO. CD#2 stated that he/she met Kimberly LOYA approximately eight (8) times while he/she was collecting narcotic proceeds for the GUSTAMANTE DTO. CD#2 stated that approximately four

(4) of the eight (8) times he/she met Kimberly LOYA at a residence located on El Paso Street in San Antonio, Texas. According to CD#2, LOYA and GUSTAMANTE lived at the residence on El Paso Street. GUSTAMANTE's driver's license has the address of 3542 El Paso Street, San Antonio, Texas. CD#2 then stated that on the other four (4) occasions, he/she met Kimberly LOYA at different locations throughout San Antonio, Texas. CD#2 stated that Kimberly LOYA drove a white Mitsubishi.

The quantities of narcotics discussed above related to Kimberly LOYA are consistent with distribution amounts.

Based on the above facts, I believe there is probable cause that Kimberly LOYA possessed with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine in violation of Title 21, U.S.C., Sections 841(a)(1), 841(b)(1)(A)(viii) and 846 and Title 18 U.S.C., Section 1956.